

REMARKS

Reconsideration of the rejection of the claims is respectfully requested on the basis of the following particulars.

1. In the claims

Claim 1 is amended to first apply to a method for making a perforated silicone gel layer. This claim is also amended to recite that the perforation device is heated prior to the direct deposition of the silicone gel onto the perforation device. Support for the amendment to claim 1 is provided in the written description at page 29, 1st and 2nd full paragraph.

Claim 2 is cancelled in view of the amendment to claim 1.

New claim 14 is directed solely to the perforation device recited in claim 1, and further includes limitations as to the frequency and size of the perforating elements. Support for the features recited by this claim is provided in claim 1, and in page 29, 2nd full paragraph.

New claims 15 and 16 are directed to the subject matter of original claims 3 and 4.

New claim 17 is directed to substantially the same subject matter as amended claim 1 with the exception that the perforation device is heated to a curing temperature after the uncured silicone gel is directly deposited on the planar surface of the perforation device. This claim additionally explains that the apertures in the silicone gel layer are molded by the heated perforating elements. Support for the steps and the features of this claim is provided in the written description at page 29, 1st and 2nd full paragraph. As for the limitation that the apertures be definitively formed and permanently molded prior to peeling off of the silicone gel layer from the planar surface, support for this language is found on page 33, 2nd full paragraph, and 3rd paragraph bridging pages 33 and 34.

It is submitted that the amendment to the claims does not introduce new matter in the application. Entry and consideration of the amendment to the claims is respectfully requested.

2. Rejection of claims 1-4 under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,635,201 (*Fabo*) in view of U.S. patent 5,669,277 (*Perrone*)

Reconsideration of this rejection is respectfully requested in view of the amendment to claim 1 and the following observations.

In observing *Fabo*, it is clear that it describes a method for forming a silicone gel layer that employs steps which are contrary to those required by claim 1 of the pending application. Specifically, *Fabo* requires the following:

(1) depositing an uncured silicone gel mixture (3) directly onto a carrier material (2) (2:24-32) to effectively coat the carrier material (2) (2:60-63) which is transported by a conveyor (2:44-49);

(2) first, blowing cold air onto the underside of the carrier material and through perforations (6) thereof to form penetrating holes in the silicone gel mixture (2:49-54); and

(3) second, blowing hot air onto the underside of the carrier material at which point the silicone mixture then begins to cure in regions around the perforations (2:55-59). *Fabo* explains that "hot air shall not be blown onto the carrier material in the initial stage of the manufacturing process" (2:64-3:3).

Turning to amended claim 1, the method thereof requires that the silicone gel mixture is applied directly to the planar surface of the perforation device, which is unlike the teachings of applying a silicone mixture to a carrier material to permanently coat the carrier material to form a wound dressing. Claim 1 further requires that the at least partially cured silicone gel layer is peeled away from the perforation device. The silicone gel layer is thus discretely formed without necessarily being permanently secured to anything.

Of course with *Fabo*, the uncured silicone gel mixture is applied to the carrier material upon which it is permanently coated. Further, it is the carrier material that is carried by a conveyor. Thus, *Fabo* does not disclose directly applying an uncured silicone gel mixture to perforation device itself, and further does not disclose the step of peeling away the thus formed silicone gel mixture after it has at least partially cured.

Next, claim 1 requires that the perforation device including the planar surface and the perforating elements be heated to a curing temperature of the silicone gel mixture. In particular to claim 1, the perforation device is heated prior to applying the silicone gel mixture thereon. This means that the perforation device is uniformly heated so as to allow for the silicone gel mixture to cure and mold into shape, including the apertures in the silicone gel layer.

In observing *Fabo*, cold air is first blown onto the underside of the carrier material, and then hot air is blown onto the underside of the carrier material. This of course is contrary to the express requirements of claim 1. Indeed, *Fabo*, specifically indicates that hot air shall not be blown onto the carrier at the initial stage of the coating process described therein.

As for *Perrone*, this reference is merely provided to show that perforating elements may be used to form apertures in a substrate layer. There is absolutely no mention in *Perrone* of heating or cooling the perforating element described therein. This is for good reason. *Perrone* is directed to punching holes in paper and is not concerned with molding apertures in a material as it cures at a curing temperature. The skilled person would likely recognize that it would be undesirable to the method of *Perrone* to elevate the temperature of the perforating elements described therein on the basis that it would likely damage the paper (by heating) that is intended to receive punched holes.

It will be pointed out that in reference to new claim 17, there is no understanding among *Fabo* or *Perrone*, whether considered collectively or individually, to heat perforating elements extending from a planar surface in order to

mold apertures in a curing silicone gel mixture. Further, there is also no suggestion among these references that it would be understood by the skilled person to peel away an at least partially cured silicone gel layer that has apertures that are definitively formed and permanently molded in the pattern of the perforating elements.

From the rejection, it is not entirely clear on how the skilled person would understand from *Perrone* to modify the method of *Fabo* to arrive at the method recited in the pending claims. The rejection merely establishes that it was known in the prior art to provide perforation elements. The rejection, however, clearly omits any rationale as to why the skilled person would combine the teachings of *Perrone* with *Fabo*. The rejection simply implies that because perforating elements exist (as taught by *Perrone*), the skilled person would ignore the express teachings of *Fabo* as to using cold and hot air to form apertures in a silicone gel layer. The rejection fails to provide any factual underpinnings that establish how the skilled person would find any motivation or understanding to replace the cold/hot air method of forming apertures of *Fabo* with the mechanical punch of *Perrone*, and consequently arrive at the recited method of claim 1.

Should this rejection be maintained, the applicant respectfully requests that the examiner provide the rationale and necessary factual underpinnings that establish how the skilled person would understand from *Perrone* to replace the express method of using cold and hot air in *Fabo* to form apertures in a silicone gel layer coated on a carrier material.

In view of these observations, it is submitted that the proposed combination of *Fabo* and *Perrone* fails to render the claims obvious. Accordingly, withdrawal of this rejection is kindly requested.

3. Conclusion

As a result of the amended claims and the foregoing observations, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

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Examiner: LEWIS, K. C.
Art Unit: 3772

If any issues remain that may be resolved by a telephone or facsimile communication with the applicants' attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin J. Caspell", written over a horizontal line.

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